



Senate

General Assembly

File No. 235

February Session, 2010

Substitute Senate Bill No. 427

Senate, March 31, 2010

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE USE OF HAND-HELD MOBILE
TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR
VEHICLE OPERATORS.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 14-296aa of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2010*):

4 (a) For purposes of this section, the following terms have the
5 following meanings:

6 (1) "Mobile telephone" means a cellular, analog, wireless or digital
7 telephone capable of sending or receiving telephone communications
8 without an access line for service.

9 (2) "Using" or "use" means holding a hand-held mobile telephone to,
10 or in the immediate proximity of, the user's ear.

11 (3) "Hand-held mobile telephone" means a mobile telephone with

12 which a user engages in a call using at least one hand.

13 (4) "Hands-free accessory" means an attachment, add-on, built-in
14 feature, or addition to a mobile telephone, whether or not permanently
15 installed in a motor vehicle, that, when used, allows the vehicle
16 operator to maintain both hands on the steering wheel.

17 (5) "Hands-free mobile telephone" means a hand-held mobile
18 telephone that has an internal feature or function, or that is equipped
19 with an attachment or addition, whether or not permanently part of
20 such hand-held mobile telephone, by which a user engages in a call
21 without the use of either hand, whether or not the use of either hand is
22 necessary to activate, deactivate or initiate a function of such
23 telephone.

24 (6) "Engage in a call" means talking into or listening on a hand-held
25 mobile telephone, but does not include holding a hand-held mobile
26 telephone to activate, deactivate or initiate a function of such
27 telephone.

28 (7) "Immediate proximity" means the distance that permits the
29 operator of a hand-held mobile telephone to hear telecommunications
30 transmitted over such hand-held mobile telephone, but does not
31 require physical contact with such operator's ear.

32 (8) "Mobile electronic device" means any hand-held or other
33 portable electronic equipment capable of providing data
34 communication between two or more persons, including a text
35 messaging device, a paging device, a personal digital assistant, a
36 laptop computer, equipment that is capable of playing a video game or
37 a digital video disk, or equipment on which digital photographs are
38 taken or transmitted, or any combination thereof, but does not include
39 any audio equipment or any equipment installed in a motor vehicle for
40 the purpose of providing navigation, emergency assistance to the
41 operator of such motor vehicle or video entertainment to the
42 passengers in the rear seats of such motor vehicle.

43 (b) (1) Except as otherwise provided in this subsection and
44 subsections (c) and (d) of this section, no person shall operate a motor
45 vehicle upon a highway, as defined in [subsection (a) of] section 14-1,
46 while using a hand-held mobile telephone to engage in a call or while
47 using a mobile electronic device while such vehicle is in motion. An
48 operator of a motor vehicle who types, sends or reads a text message
49 with a hand-held mobile telephone or mobile electronic device while
50 such vehicle is in motion shall be in violation of this section. (2) An
51 operator of a motor vehicle who holds a hand-held mobile telephone
52 to, or in the immediate proximity of, his or her ear while such vehicle
53 is in motion is presumed to be engaging in a call within the meaning of
54 this section. The presumption established by this subdivision is
55 rebuttable by evidence tending to show that the operator was not
56 engaged in a call. (3) The provisions of this subsection shall not be
57 construed as authorizing the seizure or forfeiture of a hand-held
58 mobile telephone or a mobile electronic device, unless otherwise
59 provided by law. (4) Subdivision (1) of this subsection does not apply
60 to: (A) The use of a hand-held mobile telephone for the sole purpose of
61 communicating with any of the following regarding an emergency
62 situation: An emergency response operator; a hospital, physician's
63 office or health clinic; an ambulance company; a fire department; or a
64 police department, or (B) any of the following persons while in the
65 performance of their official duties and within the scope of their
66 employment: A peace officer, as defined in subdivision (9) of section
67 53a-3, a firefighter or an operator of an ambulance or authorized
68 emergency vehicle, as defined in [subsection (a) of] section 14-1, or a
69 member of the armed forces of the United States, as defined in section
70 27-103, while operating a military vehicle, or (C) the use of a hands-
71 free mobile telephone.

72 (c) No person shall use a hand-held mobile telephone or other
73 electronic device, including those with hands-free accessories, or a
74 mobile electronic device while operating a moving school bus that is
75 carrying passengers, except that this subsection does not apply to (1) a
76 school bus driver who places an emergency call to school officials, or
77 (2) the use of a hand-held mobile telephone as provided in

78 subparagraph (A) of subdivision (4) of subsection (b) of this section.

79 (d) No person under eighteen years of age shall use any hand-held
80 mobile telephone, including one with a hands-free accessory, or a
81 mobile electronic device while operating a moving motor vehicle on a
82 public highway, except as provided in subparagraph (A) of
83 subdivision (4) of subsection (b) of this section.

84 (e) Except as provided in subsections (b) to (d), inclusive, of this
85 section, no person shall engage in any activity not related to the actual
86 operation of a motor vehicle in a manner that interferes with the safe
87 operation of such vehicle on any highway, as defined in [subsection (a)
88 of] section 14-1.

89 (f) Any law enforcement officer who issues a summons for a
90 violation of subsection (b), (c), (d) or (i) of this section shall record, on
91 any summons form issued in connection with the matter, the specific
92 nature of any distracted driving behavior observed by such officer that
93 contributed to the issuance of such summons.

94 (g) Any person who violates subsection (b) of this section shall be
95 fined [not more than] one hundred dollars [, except that the fine shall
96 be suspended for a first time violator who provides proof of
97 acquisition of a hands-free accessory subsequent to the violation but
98 prior to the imposition of a fine] for a first violation, one hundred fifty
99 dollars for a second violation and two hundred dollars for a third or
100 subsequent violation.

101 (h) Any person who violates subsection (c) or (d) of this section shall
102 be fined not more than one hundred dollars.

103 (i) An operator of a motor vehicle who commits a moving violation,
104 as defined in subsection (a) of section 14-111g, while engaged in any
105 activity prohibited under subsection (e) of this section shall be fined
106 one hundred dollars in addition to any penalty or fine imposed for the
107 moving violation.

108 (j) An operator of a motor vehicle who commits a moving violation,

109 as defined in subsection (a) of section 14-111g, while engaged in any
 110 activity (1) that is prohibited under subsection (e) of this section, and
 111 (2) that results in an accident, shall be fined five hundred dollars in
 112 addition to any penalty or fine imposed for the moving violation.

113 (k) The state shall remit to a municipality twenty-five per cent of the
 114 amount received with respect to each summons issued by such
 115 municipality for a violation of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	14-296aa

Statement of Legislative Commissioners:

The unamended provisions of subsections (b) and (e) contain references to "subsection (a)" of section 14-1. These references were bracketed because section 14-1 does not have a "subsection (a)".

TRA Joint Favorable Subst. LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analysts' professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Judicial Dept.	GF - Revenue Gain	165,000	220,000

Note: GF = General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Various Municipalities	Revenue Gain	260,000	345,000

Explanation

This bill would generate a revenue gain of approximately \$220,000 annually for the state and a revenue gain of approximately \$345,000 annually¹ for various municipalities due to:

1. the replacement of the \$100 maximum for all offenses with fines of \$100 for the first violation, \$150 for a second violation, and \$200 for a third and subsequent violations;
2. the elimination of the suspension of a fine for a first time violator who subsequent to the violation acquired a hands-free phone accessory;
3. an additional penalty for moving violations that result in accidents.

Under the bill municipalities will receive 25% of the revenue gained

¹ The above estimates are annualized. With an effective date of October 1, 2010, the actual revenue gain in FY 11 will be approximately \$165,000 for the state and \$260,000 for municipalities.

from each summons they issue for such a violation. Additional revenue gained by the state will sufficiently cover this remittance to municipalities, resulting in the net revenue gain for the state as mentioned above.

These estimates will vary depending on the number of violations issued. In 2008, approximately 37,000 violations to statute 14-296aa were committed and of those 22,500 had associated fines imposed.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations charged.

Source: Judicial Department's Quarterly Report, 2008.

OLR Bill Analysis

SB 427

AN ACT CONCERNING THE USE OF HAND-HELD MOBILE
TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR
VEHICLE OPERATORS.

SUMMARY:

This bill increases fines for drivers who use a cell phone or mobile electronic device while driving, eliminates the automatic suspension of a fine for a first offender, gives 25% of fine revenue to the town in which a summons is issued, imposes a \$500 fine on certain drivers whose distracted driving results in an accident, and specifies that it is illegal to text while driving a moving vehicle.

Specifically, it:

1. replaces the maximum \$100 fine for all offenses with fines of \$100 for the first violation, \$150 for a second violation, and \$200 for subsequent violations;
2. eliminates the requirement that judges suspend the fine for a first offender who acquires a hands-free accessory before the fine is imposed;
3. imposes a \$500 fine on a driver who commits a moving violation, in addition to the penalty imposed for the moving violation, if the driver commits the moving violation while engaged in an activity (a) unrelated to operating the vehicle that interferes with its safe operation and (b) that results in an accident;
4. requires the state to remit 25% of the amount it receives from each summons to the municipality that issues the summons; and

5. specifies that it is illegal for a driver to type, send, or read text messages on a hand-held cell telephone or mobile electronic device while operating a moving motor vehicle.

As with the law against using hand-held cell phones while driving, the texting ban does not apply in emergency situations or to any of the following people while performing their official duties: peace officers, firefighters, ambulance and emergency vehicle drivers, or members of the military when operating a military vehicle. The ban on texting has no legal effect because current law already prohibits drivers from engaging in any activity unrelated to operating a motor vehicle that interferes with its safe operation.

EFFECTIVE DATE: October 1, 2010

BACKGROUND

Moving Violations

Moving violations include speeding, reckless driving, use of any cell phone or mobile electronic device by a driver under age 18, improper passing, improper turning, disobeying the signals of an officer, and passing a stopped school bus, and following too closely (CGS § 14-111g).

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 36 Nay 0 (03/16/2010)